



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

CERTIFIED MAIL NO.: 7001 0320 0002 0254 4592
RETURN RECEIPT REQUESTED

DEC 23 2015

Mr. Jeremy Barrett
Apache Nitrogen Products, Inc.
1436 S. Apache Powder Road
P.O. Box 700
Benson, AZ 85602

Dear Mr. Barrett:

According to information available to Region IX of the United States Environmental Protection Agency ("EPA"), Apache Nitrogen Products, Inc. ("ANPI") owns the nitric acid plant located near Benson, Arizona (the "Facility"). The Facility is subject to requirements promulgated under the authority of the Clean Air Act (the "Act" or "CAA"), U.S.C. §§ 7401-7671q. Pursuant to Section 114 of the Act, 42 U.S.C. § 7414, ANPI is hereby required to provide the following information requested in this letter concerning the Facility by January 29, 2016, in order for EPA to investigate compliance with CAA requirements. In responding to this request, ANPI shall use the instructions provided in Enclosure 1.

1. "Advantech Facility Design Inc.'s Evaluation of Mr. Hartenstein's Comments Relating to AOP-4," dated August 4, 2015, commissioned by ANPI (hereafter "ANPI's Design Analysis") references Sulzer as the "current turbine service company and, as such, the primary expert on this turbine."
 - a) Produce all documents (including testing reports, maintenance records, analysis and opinions of Sulzer, etc) related to the turbine service provided to AOP-3 or to AOP-4.
2. ANPI's Design Analysis provides: "Sulzer insisted, given the known resonant frequencies, lack of a compressor map, and the known operational sensitivity of this system, that they cannot, and will not, recommend any change to the system as we cannot guarantee the safe and proper operation of this turbine and system." With regard to this statement:
 - a) Describe the components of AOP-4 that constitute the "system."
 - b) Does it include the turbine and the NOx compressor?
 - c) Does it also include the air compressor?
 - d) Produce all data, analyses or opinions related to the "known resonant frequencies."
 - e) Describe the basis for the conclusion that there is "known operational sensitivity of this system."
 - f) Produce all data, analyses or opinions regarding the "known operational sensitivity of this system."
 - g) Produce any documents related to Sulzer's opinion that "they cannot, and will not recommend any change to the system..."

- h) Provide the name, title, responsibilities and technical background of each person at Sulzer that ANPI consulted, or that employees of Sulzer consulted, to discuss the operation of the turbine and system at ANPI's facility.
3. ANPI's Design Analysis references a "number of past failures" to the turbine. With respect to each such failure identify:
 - a) When the failure occurred.
 - b) The nature of the failure.
 - c) The components of AOP-4 that failed.
 - c) Any technical evaluation associated with the failure, and
 - d) The root cause(s) of the failure.
 - e) Produce documents related to each such failure.
 4. ANPI's Design Analysis "identifies a number of resonant frequencies throughout the operating range of the turbine that were wholly or partially responsible for the observed turbine failures...."
 - a) Has a critical speed map of the turbine and the NOx compressor or any other technical analysis been conducted?
 - b) Describe the nature of any such analysis and produce all documents associated with, or related to, any such analysis.
 5. ANPI's Design Analysis provides "that this turbine is the only one or one of two in the world..."
 - a) Specify why the consideration that the turbine is only one of two in the world make the application of selective catalytic reduction control technology to AOP-4 inadvisable.
 - b) Produce all documents that relate to this position.
 - c) Identify the location and description of the turbine. Provide the contact person(s) who are managing the other turbine including corporate affiliation, address, telephone, email and title.
 6. What technical evaluations or other studies have been conducted to analyze the effect of back pressure changes on the stability of operation of the turbine/compressor set? Produce all documents related to such analysis.
 7. Has there been any analyses reflecting the pressure drop associated with the turbine/compressor and its effect on plant operations? Produce all documents related to such analysis.
 8. Will any type of fan reduce back pressure on the turbine to avoid at operating close to critical speeds? Why or why not? Produce any documents that relate to ANPI's opinion.
 9. How does ANPI stop the NOx compressor from surging because it is operating too close to the surge point? Produce all documents related to the surging including operational procedures, etc.
 10. Has ANPI conducted a vibration signature analysis for AOP-4?
 - a) If yes, provide any reports, studies or other related documents.

- b) If no, identify any similar tests it conducted.
 - c) If no to (b) above, provide any reports, studies or other related documents regarding similar tests.
11. Has ANPI conducted a computational fluid dynamics modeling of any component of AOP-4?
- a) If yes, provide any reports, studies or other related documents.
 - b) If no, identify any similar tests it conducted?
 - c) If no to (b) above, provide any reports, studies or other related documents regarding similar tests.
12. ANPI's has referenced "problems" with SCR at AOP-3 in the past. With respect to such problems:
- a) Identify each problem and when the problem occurred.
 - b) Describe the nature of each problem.
 - c) Specify any components of AOP-3 that malfunctioned or failed in relation to each problem identified.
 - c) Produce any technical evaluation or other documents related to each problem identified.
 - d) The root cause(s) of each problem identified.
13. Pursuant to CAA § 114(a)(1), ANPI is required to provide information related to an information request on "a one-time, periodic or continuous basis..." EPA issued CAA § 114 information requests on April 27, 2009, January 5, 2010, April 14, 2011, November 30, 2012, and August 15, 2013. EPA requests that ANPI update each of these information requests in response to this information request and continue to update the information in the future, as needed, on a continuous basis. ANPI should respond by identifying the date of the information request and the number of the request for each response requiring an update. If an information request does not require updating, ANPI shall so state. Finally, EPA requests that ANPI update this information request on a continuous basis, as needed, in the future.
14. On July 23, 2012, EPA issued a Notice of Violation to ANPI ("the NOV") which, in Paragraph 36, identified thirteen projects that that commenced construction for AOP-4 between December 2000 and October 2002. For each of these projects:
- a) Did ANPI or its contractors measure the improvement (or lack of improvement) in performance for each of these projects, or a combination of these projects, either before the project(s) were undertaken or after the project(s) were completed?
 - b) If yes, provide any reports, studies or other related documents.
 - c) Did ANPI or its contractors measure an increase (or decrease) in NOx emissions associated with each of these projects, or a combination of these projects, either before the project(s) were undertaken or after the project(s) were completed?
 - d) If yes, provide any reports, studies or other related documents.
15. ANPI has indicated that the upgrade to the Bleacher project, identified in Paragraph 36 of the NOV, "did not work out." Please explain whether the Bleacher project worked out and explain the basis for that opinion. Produce all documents, including technical evaluations, emails, letters, studies, etc., that relate to ANPI's opinion about the Bleacher project.

In responding to this information request, if ANPI seeks to withhold any document(s) based on a claim of attorney-client communications privilege or the attorney work product doctrine in its response to this information request, ANPI must provide with its response a privilege log for each document containing the following information: (i) the date, author(s), every individual to whom the document was originally sent, every individual who subsequently acquired the document, the purpose for which the document was sent to or obtained by those individuals, and the employment titles of the authors and recipients; (ii) the subject matter of the document; (iii) the privilege claimed for the document and all facts supporting the claim of privilege; (iv) the primary purpose(s), including any business purposes, for which the document was made; (v) the question(s) in this information request to which the document is responsive to; and (vi) all facts contained in the document that are responsive to a question in this information request.

ANPI must submit its response to this request postmarked no later than January 29, 2016. The ANPI response must be signed by a responsible corporate official of ANPI, as noted in Enclosure 2. Please be advised that the information provided by ANPI may be used by the United States in administrative, civil, or criminal proceedings.

If ANPI anticipates that it will not be able to respond fully to this request within the time period specified, ANPI must submit a sworn declaration by a responsible corporate official within ten (10) calendar days after receipt of this letter specifying what information will be provided by the allotted deadline, describing what efforts that have been/are being undertaken to obtain the remaining other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Upon receipt and based upon such declaration, EPA may extend the time in which to respond to this information request. Also, please contact EPA if determines that a full response to a particular request for information would require the submission of an extremely large number amount of documents to be provided in response. Based upon such notification, EPA may modify the scope of the documents required to be produced.

ANPI's written responses to the requests shall be sent via certified mail with return receipt requested to the following address:

Ms. Kathleen H. Johnson
Director, Enforcement Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Attn: Charles Aldred (ENF-2-1)

Please be advised that under Section 113(a) of the Act, failure to provide the information and documents required by this letter may result in an order requiring compliance, an order assessing an administrative penalty, or a civil action for appropriate relief. Section 113(b) of the Act provides for the assessment of a civil penalty of \$37,500 per day for each violation of the Act. In addition, Section 113(c) of the Act provides criminal penalties for knowingly making any false material statement in, or omitting material information from, any report required under the Act.

You may, if you desire, assert a business confidentiality claim on behalf of ANPI covering part or all of the information provided to EPA in response to this letter. Any such claim for confidentiality must conform to the requirements set forth in 40 C.F.R. Part 2, particularly § 2.203, and contains substantiating documentary evidence. You are advised that certain information may be made available to the public pursuant to 42 U.S.C. § 7414(c) and 40 C.F.R. § 2.301, notwithstanding a claim that such information is entitled to confidential treatment. If no claim of confidentiality is received with your reply, the information may be made available to the public without notice to ANPI.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§ 3502(4) & (11), 3507, 3512 and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §§ 3502(4), (11); 5 C.F.R. § 1320.5(a).

If you have any questions regarding this request, please contact Charles Aldred, Air Section, at (415) 972-3986, or your attorney can contact, Dan Reich, Office of Regional Counsel, at (415) 972-3911. Thank you for your cooperation in this matter.

Sincerely,



Kathleen H. Johnson
Director, Enforcement Division

cc: Eric Massey, Arizona Department of Environmental Quality

ENCLOSURE 1: Instructions

1. Prepare a cover letter that includes a written response to all requests referencing the request number to which each answer or document pertains. In addition, attach to the cover letter the signed certification by a corporate official with authority to make such representations for Apache Nitrogen Products, Inc. ("ANPI") described in the body of the above information request letter.
2. To the extent that ANPI has no responsive information or documents for any particular request, this must be explicitly stated in the response.
3. Indicate on each document produced in response to this information request, or in some other reasonable manner, the number of the paragraph to which it corresponds. To the extent that a responsive document has been previously submitted to EPA, such document need not be resubmitted.
4. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
5. To the extent that a document is responsive to more than one request, this must be so indicated and only one copy of the document need be provided.
6. All responsive documents must be:
 - a. provided as an accurate and legible copy in a searchable PDF file format;
 - b. submitted on a disk (CD or DVD media);
 - c. number stamped in sequential order (e.g. BATES stamped); and
 - d. organized into files corresponding to each particular request and labeled accordingly.
7. The conjunction "or" is at all times used in the inclusive sense in this letter, i.e., a request that refers to one or more items shall include each and every one of those same items.

ENCLOSURE 2: Statement of Certification

[This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

Apache Nitrogen Products, Inc. ("ANPI") is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") request for information, issued pursuant to Section 114(a) of the Clean Air Act, to determine whether the facility is in compliance with the Clean Air Act, including with the federally-approved California Truck and Bus Regulation.

I certify that I am fully authorized by ANPI to provide the above information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____